

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RONALD ROGALSKI,  
Petitioner,

Case No. 08-13756

Honorable Patrick J. Duggan

v.

RAYMOND BOOKER,  
Respondent.

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**OPINION AND ORDER DENYING PETITION FOR THE WRIT OF HABEAS  
CORPUS AND DENYING CERTIFICATE OF APPEALABILITY**

At a session of said Court, held in the U.S.  
District Courthouse, Eastern District  
of Michigan, on January 13, 2010.

PRESENT: THE HONORABLE PATRICK J. DUGGAN  
U.S. DISTRICT COURT JUDGE

Petitioner, a former state prisoner,<sup>1</sup> filed this *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 on September 2, 2008. On March 10, 2009, Respondent filed a motion for summary judgment which this Court referred to Magistrate Judge Paul J. Komives. Petitioner responded in the form of a motion to dismiss Respondent's motion for summary judgment on November 13, 2009.

On November 30, 2009, Magistrate Judge Komives filed his Report and Recommendation (R&R) recommending that this Court grant Respondent's motion for summary judgment on grounds that the petition is barred by the statute of limitations. Magistrate Judge Komives also recommends that the Court deny Petitioner's motion to

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<sup>1</sup>Petitioner was released on parole on September 16, 2008, and discharged from his sentence on October 22, 2009.

dismiss and deny a certificate of appealability. At the conclusion of the R&R, Magistrate Judge Komives advises the parties that they may object to and seek review of the R&R within 14 days of service upon them. (R&R at 15.) He further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right of appeal.” (*Id.* at 15-16.) After the filing of the R&R, Petitioner notified the Court of a change of address. This Court re-mailed Magistrate Judge Komives’s R&R to Petitioner’s new address on December 10, 2009. To date, neither party has filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Komives.

Accordingly,

**IT IS ORDERED** that the Respondent’s Motion for Summary Judgment is **GRANTED** and Petitioner’s Motion to Dismiss is **DENIED**.

**IT IS FURTHER ORDERED** that the Petition for the Writ of Habeas Corpus is **DENIED**.

**IT IS FURTHER ORDERED** that a Certificate of Appealability is **DENIED**.

A judgment consistent with this opinion shall enter.

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

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